

STATEMENT IN SUPPORT OF PROBABLE CAUSE

IN RE: **Jonathan Sebastian PAYAN-Reyna**

I, **Manuel W. Gutierrez**, declare and state as follows:

1. On October 03, 2020, at approximately 10:20 p.m., a Supervisory Border Patrol Agent (SBPA) assigned to the United States Border Patrol (USBP) station in Freer, Texas received an image captured by a motion activated camera. The image showed a light in color Ford F150 pickup truck driving through a fence. The image was captured in the vicinity of Highway 59 and Farm to Market Road (FM) 2050 near the Freer USBP checkpoint in Webb County Texas. BPAs responded to FM 2050 to further investigate the vehicle shown in the image. The BPAs waited at the intersection of FM 2050 and Mills Bennet Road in search of the Ford F150 pickup truck.
2. Moments later, BPAs observed a vehicle driving southbound on FM 2050 matching the description of Ford F150 pickup seen driving through the fence. The BPAs followed the Ford F150 pickup southbound on FM 2050 and completed a vehicle registration check via service radio. The Ford F150 pickup continued driving southbound on FM 2050 until the BPAs conducted a multiple agent traffic stop of the vehicle, approximately three (3) miles south of Santo Nino Road on FM 2050.
3. Immigration inspections revealed all five (5) passengers were undocumented aliens (UDAs) illegally present inside the United States with no legal documentation to be in or remain inside the United States. The driver of the Ford F150 pickup, identified as Jonathan Sebastian PAYAN-Reyna, and the UDAs were placed under arrest and taken to the Freer Border Patrol checkpoint for further processing.
4. Homeland Security Investigations (HSI) special agent (SA) and task force agent (TFA) were advised of the incident and responded to the Freer USBP checkpoint.
5. HSI SA and TFA interviewed PAYAN-Reyna following a waiver of his Miranda Rights. PAYAN-Reyna stated he was offered an unknown amount money for his role in the smuggling event. PAYAN-Reyna stated he drove from Dallas, Texas to Laredo, Texas. PAYAN-Reyna claimed he observed people being loaded from a residence in Laredo, Texas onto the Ford F150 pickup. According to PAYAN-Reyna, he was not aware the subjects in the Ford F150 pickup were UDAs. PAYAN-Reyna stated he intended to drop the UDAs off at an undisclosed location in San Antonio, Texas. PAYAN-Reyna admitted to utilizing a metal bar to break a chain on a ranch gate on Highway 59. PAYAN-Reyna stated he was not able to break the chain and drove through the gate with the Ford F150 pickup.
6. HSI SA and TFA interviewed material witness Andres Mario MAXI-Piedra. MAXI-Piedra stated he is a national and citizen of Ecuador illegally present inside the United States. MAXI-Piedra said he made arrangements with a Human Smuggling Organization (HSO) to be smuggled into the United States. MAXI-Piedra stated he was smuggled across the Rio Grande River by swimming across with an innertube on or about September 24, 2020. MAXI-Piedra state he was loaded onto the bed of a double cabin pickup truck, silver or grey in color. MAXI-Piedra stated the driver of the pickup truck stopped on the side of the road to move the UDAs inside the cab and hide them. MAXI-Piedra stated the driver was a light skinned and slender male with very short, thinning hair. MAXI-Piedra's description of the defendant coincides with his respective appearance.

7. HSI SA and TFA interviewed material witness Lorenzo SILVA-Rosas. SILVA-Rosas stated he is a national and citizen of Mexico illegally present inside the United States. SILVA-Rosas said he made arrangements with a Human Smuggling Organization (HSO) to be smuggled into the United States. SILVA-Rosas stated he was smuggled across the Rio Grande River by swimming across with an innertube on or about September 24, 2020. SILVA-Rosas stated he was loaded into the bed of a silver or grey pickup truck. SILVA-Rosas stated the driver of the pickup truck stopped on the side of the road and placed the UDAs inside the cabin of the pickup truck and told them to hide. SILVA-Lopez stated the driver was a slender male with short hair wearing a face mask. SILVA-Rosas's description of the defendant coincides with his appearance.

[END]

I declare (certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on the 5th day of October, 2020.

/s/ Manuel W. Gutierrez
Manuel W. Gutierrez
Task Force Agent
Homeland Security Investigations

Having reviewed the foregoing declaration, I find probable cause that the defendant(s) named above committed an offense against the laws of the United States and may therefore be further detained pending presentment before a judicial officer.

Executed on the _____ day of _____, _____.

UNITED STATES MAGISTRATE JUDGE

